

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

SITE REMEDIATION AND WASTE MANAGEMENT

Notice to Receive Interested Party Comments on a Proposed Administrative Consent Order to Recover Cleanup and Removal Costs and Impose Remediation Obligations on a Developer for the Levari Citgo Site in Upper Township, Cape May County.

Take notice that the New Jersey Department of Environmental Protection (the Department) hereby gives notice of a proposed Administrative Consent Order concerning the recovery of unreimbursed cleanup and removal costs and the development of property known as the Levari Citgo site located at 10 Route 9 South, Upper Township, Cape May County, New Jersey (the Site). The Site is also known and designated as Block 653, Lots 2, 3 and 4, on the Tax Map of Upper Township, which the Department has designated as Site Remediation Program Interest Nos. 001122 and 73302.

The Department, under the authority of N.J.S.A. 13:1D-1 to -19, and by the authority of the New Jersey Spill Compensation and Control Act (the Spill Act), N.J.S.A. 58:10-23.11 to -23.24, the Site Remediation Reform Act, N.J.S.A. 58:10C-1 to -29 and pursuant to the authority vested in the Administrator of the New Jersey Spill Compensation Fund (the Administrator) pursuant to the Spill Act and authority delegated to the Assistant Director of the Enforcement and Information Support Element within the Site Remediation Program pursuant to N.J.S.A. 13:1B-4, proposes to enter into this Administrative Consent Order with Scarborough Properties, LLC. Scarborough Properties, LLC can be contacted through counsel, Donald S. Ryan, Esq., Ryan and

Thorndike, 20 Brace Road, Suite 111, Cherry Hill, New Jersey 08034, telephone number (856) 795-1090.

Under the terms of the proposed Administrative Consent Order, Scarborough Properties, LLC shall pay the Department \$105,000 in satisfaction of the Notice of Amended First Priority Lien, Docket No. DJ-205598-07, filed against the Site and shall comply with the remediation obligations imposed upon it by the proposed Administrative Consent Order.

It is the intent of the Department and Scarborough Properties, LLC that this Administrative Consent Order constitutes an administratively approved settlement within the meaning of 42 U.S.C. §9613(f)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1984, as amended (CERCLA), 42 U.S.C. §§ 9601 et seq., and N.J.S.A. 58:10-23.11f.a(2)(b) of the Spill Act, for the purpose of providing protection from contribution actions or claims for matters addressed in this Administrative Consent Order.

Copies of the proposed Administrative Consent Order are available for inspection at the Departments' main office at 401 East State Street, in Trenton, New Jersey and via the Internet at www.nj.gov/dep/srp/legal. A copy of the Departments' files concerning the Site is available for review by contacting the Office of Records Access, NJDEP, P.O. Box 420, Mail Code 401-06Q, Trenton, New Jersey 08625-0420 or via email at records.custodian@dep.state.nj.us.

Interested persons may submit comments on the entry of this Administrative Consent Order to:

Kevin Kratina, Assistant Director,

New Jersey Department of Environmental Protection

Site Remediation Program/Enforcement & Investigations

Mail Code 401-06A

P.O. Box 420

Trenton, New Jersey 08625-0420

All comments must be submitted within 60 calendar days of the date of this public notice. The Department will consider all comments received and may decide to withdraw or withhold consent to the entry of the Administrative Consent Order if comments received disclose facts or considerations which show that the Administrative Consent Order is inappropriate, improper or inadequate.

Date

Kevin Kratina, Assistant Director
Enforcement & Information Support Element
Site Remediation Program